

1
2
3
4
5
6
7
8
9
10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 FERNANDO GALLEGOS,

13 Petitioner,

14 v.

15 ISIDRO BACA, et al.,

16 Respondents.
17

Case No. 3:15-cv-00254-RCJ-VPC

**ORDER GRANTING UNOPPOSED
MOTION EXTENSION OF TIME TO
FILE OPPOSITION TO SECOND
MOTION TO DISMISS**

(Third Request)

18 COMES NOW the Petitioner, Fernando Gallegos, by and through counsel of
19 record, Jason F. Carr, hereby files this request extension of time to file Reply and
20 Legal Memorandum in Support of his Amended Petition. Gallegos requests an
21 extension of thirty days. The Reply will now be due **April 16, 2020**.

22 This motion is based upon the attached Points and Authorities and all
23 pleadings and papers on file herein.
24
25
26 .

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

1. On February 16, 2017, this Court issued an Order granting Petitioner's Motion for Leave to File a Third Amended Petition. (ECF No. 39.) On May 4, 2017, Petitioner filed his Third Amended Petition. (ECF No. 42).

Respondents filed their Answer on November 8, 2019. (ECF No. 69.)

2. Petitioner Gallegos request an extension of time until **April 16, 2020**.

3. Counsel requests this time because of press of business and the
 untimely nature of the COVID-19 outbreak.

4. Counsel for Respondents do not object to this request for a continuance, or the State requests that counsel for habeas petitioners make clear that any finding about the decision not to oppose Petitioner's extension request signifies an affirmative finding of a basis for tolling any applicable period of limitations or the waiver of any other procedural defense. Petitioner at all times remains responsible for satisfying any limitations periods and understands that, in granting an extension of time, the Court makes no finding or representation that the petition, any claims or defenses thereto, and/or any claims contained therein are not subject to dismissal at any time.

5. This motion is not filed for the purpose of delay, but in the interests of the public, as well as in the interest of Mr. Gallegos. Counsel respectfully requests that the court grant the request for an extension of time to file the Opposition to **April 20**, in order for the effective and thorough representation of Mr. Gallegos in his habeas action.

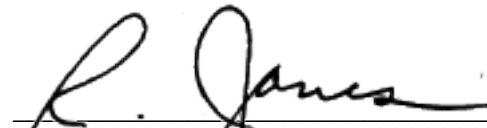
1 Dated: March 17, 2020.

2 Respectfully submitted,
3 RENE L. VALLADARES
4 Federal Public Defender

5 /s/ Jason F. Carr

6 JASON F. CARR
7 Assistant Federal Public Defender

8 It is hereby **ORDERED** that, good cause appearing herein, that Petitioner
9 Fernando Gallegos' Reply to Respondent's Answer is due on **April 16, 2020**.

10
11 
12
13 ROBERT C. JONES
14 United States District Judge

15 Dated: MARCH 24, 2020
16
17
18
19
20
21
22
23
24
25
26